IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 739 (M/B) 2002

Bhagwan Singh Ashwal
S/o Shri Surat Singh Ashwal,
R/o Village Biyali, P.O. Pajeli (Gadoli),
Tehsil Barkot & Distt. Uttarkashi. ……. Petitioner

Versus

State of Uttaranchal and others …….. Respondents

Mr. B.P.S.Mer i/b Sri V.B.S. Negi, Advocate for the Petitioner.
Mr. K.P.Upadhyaya, Advocate for the State.

Coram: Hon'ble S.H. Kapadia ,C.J.
Hon'ble M.M. Ghildiyal, J.

Dated: 03. 11.2003:

PC:

On 22.03.2000, petitioner moved an application before the Sub-Divisional Magistrate to cut twenty one trees, standing on his land in village Mauja Biyali, Patti- Banal, Tehsil- Barkot, District Uttarkashi. He is alleged Bhimidhar. His application was rejected by order dated 24.11.2001 by the Forest Corporation on the ground that felling and selling of trees can be done only by the Forest Corporation and not by the petitioner.

At the outset, we may mention, that the petitioner has no objection to the Forest Corporation feeling the trees, standing on his land. He only objects to the Forest Corporation selling the "Cut Trees".

The learned Standing Counsel for the State submitted that in view of the judgment of the Supreme Court trees in the Forest Area can be cut only by Forest Corporation. However, he has not been able to point out any provision in law by which petitioner can be prevented from selling "Cut Trees" from his land

In the circumstances we pass the following order:-

ORDER

Cutting of the trees will be done by the Forest Corporation only. However, once the trees are cut Forest Corporation will have no role to play in the matter of sale of such trees. The selling will be done by the petitioner.

The petition is disposed of accordingly.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

AK.